

SECTION XI - DISASTER UNEMPLOYMENT ASSISTANCE

1. Authority. The program of disaster unemployment assistance (DUA), for individuals whose unemployment is the direct result of a major disaster declared by the President of the United States, is established by Section 410 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. Operational and administrative guidelines for the DUA program are published in ET Handbook 356. The Federal Regulations governing the program are published at 20 CFR Part 625.

2. Interstate Claims. When an initial claim is being filed as a result of a major disaster in a State other than the State in which or from which the claim is filed, the claim will be filed under the Interstate Benefit Payment Plan (IBPP) through the Agent State or under remote initial claimstaking procedures, as appropriate. Refer to Section II of this Handbook for general procedures for filing initial interstate claims. This chapter provides additional procedures for handling interstate claims for individuals affected by a disaster.

Note: DUA claims are payable only if the individual is not eligible for unemployment compensation (UC) benefits under any State or Federal law or if the individual is ineligible for UC as a direct result of the disaster (refer to 20 CFR 625.4(i)).

a. Initial Interstate Claim - UI, UCFE, or UCX. When a claimant has potential UI, UCFE or UCX entitlement under one State's law and a potential DUA claim against another State, handle claim as follows--

(1) When the **Agent State** accepts initial claims in person or under remote filing procedures, it will:

(A) complete and mail an Initial Interstate Claim, Form IB-1, and transmit a TC-IB1 via ICON to the appropriate Liable State for UI, UCFE, or UCX entitlement following the regular interstate procedures;

(B) identify the claim as UI, UCFE, UCX and CWC, as appropriate, in Item K of Form IB-1. The Agent State **will not** indicate DUA in "Other";

(C) indicate "Claim resulted from disaster____ (name)____" in the "Remarks" section of the Form IB-1. (Officially, disasters are identified by numbers; however, since the Agent State will not know the number, it will use the commonly

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used name that identifies the disaster, such as "Hurricane Eloy in Dallas, Texas");

(D) advise claimant of weeks claimed procedures and handle the issuance of Form IB-2s under regular procedures; and

(E) advise the claimant to return to the Agent State local office or telephone the appropriate Agent State claim center to file a DUA claim if an ineligible determination is received from the Liable State.

(2) The **Liable State** will:

(A) process the initial claim under its regular procedures and issue a UI, UCFE, or UCX monetary determination;

(B) issue appropriate continued claim form(s) and filing instructions under the regular procedures; and

(C) handle availability/work search requirements in accordance with the DUA requirements.

b. Initial Interstate Claim - UI/UCFE/UCX and DUA. When a claimant has potential UI, UCFE, or UCX entitlement and a potential DUA claim against the same Liable State--

(1) The **Agent State** will:

(A) complete and mail an Initial Interstate Claim, Form IB-1, and transmit a TC-IB1 via ICON to the appropriate Liable State for a monetary determination following the regular procedures;

(B) identify the claim as UI, UCFE or UCX, as appropriate, in Item K of Form IB-1 and DUA in "Other". (This will allow the Liable State to identify and process the claim as DUA in the event that there is no entitlement under any other State or Federal unemployment compensation program);

(C) complete an affidavit of the individual's DUA base period employment and earnings, including self-employment. The **DUA base period is the most recent tax year** for the individual that has ended prior to the disaster;

(D) indicate "Claim resulted from disaster____
(name)_____" in the "Remarks" section of the Form IB-1. (Offi-

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cially, disasters are identified by numbers; however, since the Agent State will not know the number, it will use the commonly used name that identifies the disaster, such as "Hurricane Eloy in Dallas, Texas");

(E) issue appropriate continued claim form(s) and filing instructions under the regular procedures; and

(F) advise the claimant that he/she will receive a DUA monetary determination based on the affidavit if it determined that no entitlement exists under any other State or Federal program.

(2) The **Liable State** will:

(A) process the initial claim and issue a UI, UCFE, UCX monetary determination under its regular procedures;

(B) if the claimant is monetarily ineligible on a regular claim, process the claim as a DUA claim and issue a DUA monetary determination, in accordance with the instructions published in ET Handbook No. 356; and,

(C) issue appropriate continued claim form(s) and reporting instructions.

(D) handle availability/work search requirements in accordance with the DUA requirements.

c. Initial Interstate Claim - DUA. When an interstate DUA only claim is filed:

(1) The Agent State will:

(A) complete and mail an Initial Interstate Claim, Form IB-1, identified in Item K under "Other" as "DUA" and transmit a TC-IB1 to the Liable State;

(B) complete an affidavit of the individual's DUA base period employment and earnings, including self-employment and attach it to the Form IB-1. The DUA base period is the **most recent tax year for the individual** that ended prior to the disaster;

(C) indicate "Claim resulted from disaster ____

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(name)_____ " in the "Remarks" section of the Form IB-1. (Officially, disasters are identified by numbers; however, since the Agent State will not know the number, it will use the commonly used name that identifies the disaster, such as "Hurricane Eloy in Dallas, Texas");

(D) issue the Interstate Claim Information Sheet, Form IB-7, together with **two** Continued Interstate Claim, Form IB-2s clearly marked "DUA" in Item 5 to the DUA claimant;

(E) advise the claimant to follow the weeks claimed filing instructions received from the Liable State; and

(F) cooperate with the Liable State to ensure the accuracy of the DUA payment.

Note: Liable State instructions concerning the number of IB-2s to be issued to interstate claimants **do not** apply to DUA claims.

(2) The **Liable State** will:

(A) issue a DUA monetary determination, in accordance with the instructions in ET Handbook No. 356;

(B) issue continued claims forms and reporting instructions;

(C) contact the SESA in another State for verification of employment and earnings identified on the Form IB-1 as covered in the other State, when appropriate; and

(D) **not use** a Request for Transfer of Wages, Form IB-4, or TC-IB4 to identify or verify wages in another State for purposes of determining DUA claims (liable States may obtain this information using the Interstate Inquiry (IBIQ) or a TC-IB13).

3. Interstate Continued Claims. Continued DUA claims will be handled by the Agent and Liable State in the same manner as UI, UCFE, or UCX continued claims filed under the IBPP. At the time of the initial claim, the Agent State will issue to the DUA claimant two (2) Form IB-2s, clearly marked "DUA" in Item 5 and advise the claimant to complete one for each week claimed and forward directly to the Liable State. (Refer to Section VI of this Handbook.)

When a Form IB-2 "DUA" is received, the Liable State must ensure

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that a DUA payment is issued only if the individual is not eligible for UI in any State and issue reporting instructions and continued claim forms under the Liable States procedures.